

FILED

MAY 15 2001

**PEGGY B. DEANS, CLERK
U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF N.C.**

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

IN RE:

CHAPTER 7

INTERNATIONAL HERITAGE, INC.,

CASE NO. 98-02675-5-ATS

Debtor,

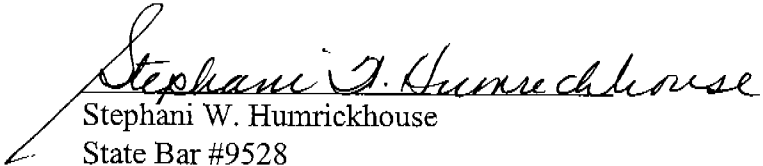
MOTION FOR AUTHORITY TO COMPROMISE
ADVERSARY PROCEEDING BY DISMISSAL
(S-00-00266-5-AP)

NOW COMES Holmes P. Harden, Trustee, Trustee herein and plaintiff in the adversary proceeding captioned "Holmes P. Harden, Trustee, Plaintiff vs. Robert Chalmers, Defendant", Adversary Proceeding No. S-00-00266-5-AP filed in this case (the "Adversary Proceeding"), through counsel and pursuant to Bankruptcy Rule 9019, and moves this Court for an order granting it authority to compromise the Adversary Proceeding by dismissal. In support of this Motion, the Trustee shows the Court that:

1. Holmes P. Harden, is the duly appointed Trustee in this case.
2. The \$76,409.62 as to the First Cause and \$76,409.62 as to the Second Cause sought by the Complaint in the Adversary Proceeding represents the sum total of payments which the Trustee alleged to be avoidable and recoverable under Bankruptcy Code §547, §548 and §550 of the Bankruptcy Code.
3. The Trustee has been unable to locate the Defendant for service after several attempts and diligent investigation.
4. The Trustee has dismissed the Adversary Proceeding without prejudice, subject to Court approval.
5. The Trustee believes that the proposed dismissal is in the best interests of the estate and its creditors and requests that the Court approve this Motion.

WHEREFORE, the Trustee prays for an order approving and authorizing the dismissal of the Adversary Proceeding.

This the 14 day of May, 2001.


Stephani W. Humrickhouse
State Bar #9528
Attorney for Trustee
NICHOLLS & CRAMPTON, P.A.
Post Office Box 18237
Raleigh, North Carolina 27619
Telephone: (919) 781-1311